

OFFICE OF THE GOVERNOR
STATE OF MONTANA

STEVE BULLOCK
GOVERNOR



SENATE NATURAL RESOURCES
EXHIBIT NO. 1
DATE 4-10-13
BILL NO. SR 41
JOHN WALSH
LT. GOVERNOR

February 22, 2013

The Honorable Jeff Essmann
President, Montana State Senate
Capitol Station
Helena, Montana 59620

By Hand-Delivery

Dear President Essmann:

In accordance with Montana Code Annotated 5-5-302, I submit to you and the Montana Senate my cabinet appointments for confirmation.

- Department of Administration, Director, **Ms. Sheila Hogan**, 2110 East 6th Avenue, Helena, MT 59601, appointed December 27, 2012, start date January 7, 2013;
- Department of Agriculture, Director, **Mr. Ron de Yong**, 833 11th Avenue, Helena, MT 59601, appointed January 2, 2013, start date January 7, 2013;
- Department of Commerce, Director, **Ms. Meg O'Leary**, 2722 Belt View Drive, Helena, MT 59601, appointed November 30, 2012, start date January 7, 2013;
- Department of Corrections, Director, **Mr. Mike Batista**, 919 Stuart Street, Helena, MT 59601, appointed November 30, 2012, start date January 7, 2013;
- Department of Environmental Quality, Director, **Ms. Tracy Stone-Manning**, 10 Columbine Road, Missoula, MT 59802, appointed December 14, 2012, start date January 7, 2013;
- Department of Fish, Wildlife and Parks, Director, **Mr. M. Jeff Hagener**, 909 Cherry Ave., Helena, MT 59601, appointed December 28, 2012, start date January 7, 2013;
- Department of Labor and Industry, Commissioner, **Ms. Pam Bucy**, 808 8th Avenue, Helena, MT 59601, appointed November 30, 2012, start date January 7, 2013;

- Department of Military Affairs, Adjutant General, **Major General Matthew Quinn**, 2610 Peregrine Loop, Missoula, MT 59808, appointed January 2, 2013, start date January 7, 2013;
- Department of Natural Resources and Conservation, Director, **Mr. John Tubbs**, 900 University Street, Helena, MT 59601, appointed December 13, 2012, start date January 7, 2013;
- Northwest Power and Conservation Council, Member, **Mr. Pat Smith**, 1733 McClure Road, Arlee, MT 59821, appointed January 24, 2013, start date January 28, 2013;
- Northwest Power and Conservation Council, Member, **Ms. Jennifer Anders**, 17 Willow Road, Clancy, MT 59634, appointed February 5, 2013, start date March 4, 2013;
- Department of Public Health and Human Services, Director, **Mr. Richard Oppen**, 704 N Rodney, Helena, MT 59601, appointed December 27, 2012, start date January 7, 2013;
- Department of Revenue, Director, **Mr. Mike Kadas**, 922 Taylor, Missoula, MT 59802, appointed December 20, 2012, start date January 7, 2013; and
- Department of Transportation, Director, **Mr. Mike Tooley**, 919 Cannon Street, Helena, MT 59601, appointed December 13, 2012, start date January 7, 2013.

I have included additional materials for your consideration. I have also asked Stacey Otterstrom, my Boards and Appointments Advisor, to coordinate with your office and Legislative Services as these appointments move through the confirmation process. Thank you.

Sincerely,



STEVE BULLOCK
Governor

C: Senator Jon Sesso
Susan Fox, Legislative Services

GOVERNOR STEVE BULLOCK
2013 Cabinet Appointees

Department of Natural Resources and Conservation

John Tubbs

Included: Resume
Executive Appointment Confirmation Review Form
D-1 Form

John E. Tubbs

Montana: 900 University Street
Helena, Montana 59601

Washington DC: 555 Massachusetts Ave NW
Apartment 1016
Washington DC 20001

Home Phone: (406) 449-2724
Work Phone: (202) 208-3024
Cell Phone: (406) 465-6310
Blackberry: (202) 713-6468
Personal Email: jtubbs1016@gmail.com
Work Email: John.Tubbs@ios.doi.gov

Natural Resource and Finance Professional

Professional Experience:

U.S. Department of the Interior (DOI) (June 2009 – Present):

Deputy Assistant Secretary for Water and Science: The Department of the Interior's Office of the Assistant Secretary for Water and Science oversees policy and budget for the United States Geological Survey, the Bureau of Reclamation, and the Central Utah Project. The Deputy Assistant Secretary position is a senior executive service (SES) position with top secret clearance. Reclamation and USGS annual budgets are approximately \$1 billion each and employ a combined total of 13,500 fte. Primary responsibilities are to provide oversight for Reclamation budget, programs and policy, and oversight for specific USGS programs including climate, energy, and water resource science. As a policy lead, I represent the Department on several Presidential and Secretarial initiatives including: WaterSMART, energy policy, America's Great Outdoors (water), Urban Waters Federal Partnership, climate change, international boundary issues with Canada, Great Lakes policies and programs, national water resources investment policy, clean water act policy, and national fire policy.

Montana Department of Natural Resources and Conservation (DNRC) (July 1985 – June 2009):

Water Resources Division Administrator (2006 – 2009): The Water Resources Division (WRD) promotes and coordinates the beneficial use, conservation, protection, and development of Montana's water resources. The division consisted of eight regional offices and five bureaus: Water Management Bureau, Water Rights Bureau, Adjudication Bureau, State Water Projects Bureau, and the Water Operations Bureau. As Division Administrator I directed and oversaw all activities, including management of a \$13.6 million annual budget and 162 staff positions. A core mission of WRD is to examine all water right claims and make administrative decisions for all water right permits and change applications. The division manages and maintains the 24 dams, over 250 miles of canals, and one 10 mega-watt power plant. Responsibility for dam safety regulation and flood plain management lie within the division. Also, the division has a strong water management policy role over state, interstate, and international water policy.

Resource Development Bureau Chief (November 1990 – November 2006): Resource Development Bureau/Conservation and Resource Development Division. As Bureau Chief I directed 6 financial and technical assistance natural resource programs: loan

volume - \$20 million/year, loan portfolio - \$150 million, annual grant volume - \$4 million. Responsibilities included supervision of 9 employees and directing program activities. The Renewable Resource Grant and Loan Program and the Reclamation and Development Grants Program provide financial assistance for hundreds of natural resource projects across the state. The Bureau Chief is the lead Department representative on the legislation for state bonds, coal severance tax policy, and resource indemnity tax policy. Coordinating and seeking federal and state funding for regional water systems and aging water resources infrastructure projects was a high priority for this position within the Division.

Energy Division Economist (April 1990 – November 1990): Responsibilities included the design, analyses and research of regulatory changes for the transmission and sale of natural gas. In this capacity, I provided the initial testimony to the Public Service Commission regarding the deregulation of natural gas transportation for the Department.

Water Resources Division Economist (July 1985 – April 1990): I conducted benefit/costs analyses of water projects, supervised projects, developed policy alternatives, coordinated environmental impact statements, and coordinated water reservation activities.

Ambrose Tubbs, Inc. (June 1993 – September 2001):

Vice President: Ambrose Tubbs, Inc., formed in 1993 by Dr. Stephen E. Ambrose and myself to provide a corporate structure to conduct historical research, writing and publishing, tours, and public speaking. As vice president I was responsible for financial transactions and human resource management.

University of Montana:

Teaching Assistant (January 1985 – July 1985): Department of Economics

Research Assistant (July 1984 – January 1985): Department of Economics

U.S. Forest Service:

Seasonal Fire Fighter / Recreational Guard (June 1978 – October 1982)

Special Appointments:

State representative: Western States Water Council '07 – '09

Chair: Association of State Water Engineers '08 – '09

ID Team: Upper Missouri River Breaks National Monument EIS/RMP '05-08

State representative: Rocky Boy's / North Central Regional Water System '94-06

State representative: Fort Peck / Dry Prairie Regional Water System, '98-06

State ex-official member: St. Mary Facilities Working Group, '03 – '09

Member: Fort Belknap Water Compact Cost Share Team, '02 – '09

Member: Natural Resource Information System Advisory Committee, '02-06

Member: Drinking Water SRF Advisory Committee, '99-06

Member: National Small Community Water Information Exchange, '02-06

Chair: Water, Wastewater and Solid Waste Action Coordinating Team, '00-02

Co-Director: Montana Rural Development Partnership, '94

Awards:

Upper Missouri Water Association Distinguished Service Award 2007
Governor's Citation, 1999.
Friends of Rural Water Award for Outstanding Service, 1997.
Governor's Excellence Award, 1996.

Additional Education and Training:

Senior Executive Service training 2009-2012, Infrastructure Financing, Council of Finance Authorities, bi-annually; Resolving Public Disputes 1997-1998; World Wide Lessons in Leadership, 1998; Increasing Personal Effectiveness, 1995; Diversity and Inclusion: How to get the most out of differences, 1994; Legislative Affairs, 1992; and Basics of Management, 1991.

Education:

Master's of Art, Economics, 1991, University of Montana. Emphasis in empirical research and resource economics.
Bachelor's of Science, Forestry, 1983, University of Montana. Emphasis in Forest Resource Management, minors in economics and mathematics.
Capital High School, Helena, Montana, Class of 1978.

Publications:

Tubbs, John E. "A Montana-Wyoming Coal Severance Tax Duopoly Model." Master Thesis, June 1991.
Duffield, J., Arnold Silverman, John Tubbs. "Montana Coal Market to the Year 2000: Impact of Severance Tax, Air Pollution Control, and Reclamation Costs." Prepared for the Economic Development Council, Montana Department of Commerce, January 1985.
Montana Department of Natural Resources and Conservation. "Upper Clark Fork Basin: Water Reservation Draft Environmental Impact Statement" and "Addendum" John Tubbs, EIS coordinator. 1988, 1990.
Montana Department of Natural Resources and Conservation. "Upper Clark Fork Basin: Water Reservation Final Environmental Impact Statement" John Tubbs, EIS coordinator. January 1991.
Office of the Governor. "Clark Fork Basin Project: Status Report and Action Plan" Johnson, Howard, E. et. al. (Tubbs). December 1988.

References:

Ray Beck, Conservation and Resource Development Division Administrator, DNRC
Work phone: (406) 444-6671
Anne Castle, Assistant Secretary for Water and Science, Department of the Interior
Work phone (202) 208-3186
Steve Doherty, Senior Advisor to the Secretary, Department of the Interior
Work phone: (202) 431-7251

EXECUTIVE APPOINTMENT CONFIRMATION REVIEW FORM

The information from this questionnaire will be used by the Montana Senate in considering action on your confirmation. The questionnaire must be completed in full. Answer "none" or "not applicable" where appropriate. If an item of information is "unknown," so state.

Applicants are also strongly encouraged to attach a current resume or curriculum vitae.

Office or Position Sought

Director, Department of Natural Resources and Conservation

Date of Nomination December 13, 2012

BIOGRAPHICAL INFORMATION – SECTION 1

Full Name John E. Tubbs

List each maiden name, nickname, and any other names you have ever used or been known by

Current Residence

900 University Street

Helena

MT

59601

20

If less than two years at current address, please list previous address

City

State

Zip

Years at previous
residence

Business Phone Number

(406) 444-1948

Email Address

JTubbs@mt.gov

Date of Birth

June 2, 1960

Helena Montana

Are you a citizen of the United States?

☒ Yes ☐ No

Are you a resident of Montana?

☒ Yes ☐ No

Spouse's Name (if married or separated):

Stephenie Ambrose Tubbs

EDUCATION – SECTION 2

List each college, university, vocational or other postsecondary schools you have attended regardless of duration

Institution Name	Degrees or Certificates Awarded	Dates Attended
University of Montana	M.A., Economics	1983-1985, 1991
University of Montana	B.S., Forestry	1978-1983

EMPLOYMENT – SECTION 3

List all of your employment activities, including unemployment and self employment. Begin with your present or most recent information

Employer Name	Employer Address	Position(s) Held	Dates Employed
U.S. Department of the Interior	1849 C St NW Washington, DC 20240	Deputy Assistant Secretary for Water and Science	2009-2012
Montana DNRC	1625 Eleventh Ave., Helena, MT	Water Resources Division Administrator	2006-2009
Montana DNRC	1625 Eleventh Ave., Helena, MT	Resource Development Bureau Chief	1990-2006
Montana DNRC	1625 Eleventh Ave., Helena, MT	Energy Division Economist	1990
Montana DNRC	1625 Eleventh Ave., Helena, MT	Water Resources Division Economist	1985-1990

MEMBERSHIPS – SECTION 4

List any professional or occupational licenses you have held or now hold. (Attach a list if necessary)

Name of Licensing Agency	License Number	Date(s) Licensed

Have you ever been the subject of any professional disciplinary proceeding or had any professional license or permit revoked or restricted upon a finding of professional misconduct? ☐ Yes ☒ No

If yes, please write a detailed explanation on a separate sheet of paper and attach to this form

List any memberships or offices you have held or now hold in professional, community, or trade organizations during the last ten (10) years. Begin with the most recent information (Attach a list if necessary)

Organization Name	Position(s) Held
Western States Water Council	State Representative
Association of State Water Engineers	Chair
Rocky Boy's/North Central Regional Water System	State Representative
Fort Peck/Dry Prairie Regional Water System	State Representative
St. Mary Facilities Working Group	State ex-officio Member

LOBBYING ACTIVITY – SECTION 5

Have you ever been a registered lobbyist at any level of government during the last ten (10) years?

☒ Yes ☐ No

If yes, list any agency or public office you lobbied and each principal you represented

Department of Natural Resources	1991-2009
---------------------------------	-----------

To the best of your knowledge, have you, or anyone in your immediate family which you have a material interest been investigated, reprimanded, fined or suspended from doing business with any state or federal agency?

☐ Yes ☒ No

If yes, please write a detailed explanation on a separate sheet of paper and attach it to this form

TAX COMPLIANCE – SECTION 6

Have you filed all federal, state, municipal city tax returns which are now due or overdue?

☒ Yes ☐ No

If no, please write a detailed explanation on a separate sheet of paper and attach it to this form

Have you ever been subject to a tax forfeiture action?

☐ Yes ☒ No

If yes, please write a detailed explanation on a separate sheet of paper and attach it to this form

FINANCIAL DISCLOSURES – SECTION 7

Please attach a current copy of Form D-1, filed with the Montana Commissioner of Political Practices

INTERESTS AND DUTIES – SECTION 8

Briefly explain your interest in the office to which you have been nominated

To serve as a Director in the Bullock Administration is an opportunity that I could not pass up. I have known Governor Bullock for most of my life and I am enthusiastic about being part of his cabinet. My professional career and education is in natural resources management. With over 23 years at DNRC I am knowledgeable about the Department and its operations. In total I worked 8 years in the Water Resources Division; 3.5 of those years as Division Administrator. For 16 years I was the Chief of the

Resource Development Bureau overseeing grant and loan programs working with local governments across the state as they invested in infrastructure, restoration, and planning. In 2009 I left the state to serve the last 3.5 years in Washington D.C. for the U.S. Department of the Interior. As Deputy Assistant Secretary for Water and Science I provided policy and budget direction for the United States Geological Survey and the Bureau of Reclamation. In this role I participated on several multi-departmental teams focusing on land and water management. My professional experience and education prepared me to execute the duties of the Director of the Department of Natural Resources and Conservation.

Briefly identify three (3) key challenges you see facing the agency or office to which you were nominated for appointment

An agency will only succeed if the employees of the Agency support the mission and have the knowledge and skills to execute and implement programs and policies. DNRC employees meet these expectations however the demographics of the department indicate that a number of mid and upper level managers are eligible for retirement over the next four years. Succession planning, assuring new employees have needed training, and effective recruitment is needed to maintain the quality of the workforce.

The Department's role in examining the over 350,000 water right claims is coming to an end with all examination to be complete by 2015. Workload is being shifted to the Water Court and with the second Water Judge and additional staff they are issuing enforceable decrees in basins across the state. Little planning is in place concerning the future beyond the adjudication phase. The process started in 1978 and the focus since 2005 has been to accelerate the process to its conclusion. However, establishing enforceable decrees in all of Montana's basins is not the end – it is the beginning of a new era of water management. The DNRC needs to initiate a public discussion about what that future will look like and where resources are needed to make it effective and efficient.

The DNRC must continue to seek opportunities to maintain and increase the revenue generated by Trust Lands for Montana schools. Grazing, forestry, oil and gas, coal development will continue to be strong revenue generators for the Trust. Effective management of Trust Lands must always be a high priority of the Department. An emerging opportunity in commercial leases and higher value properties provides an opportunity to continue to diversify the portfolio in a way that will add resilience to the earnings for the Trust. I look forward to working with the Staff of Trust Lands to continue to provide base level funding for educational programs in Montana.

Briefly explain your views regarding the role of legislative intent in administering the law by your respective agency

Before one questions Legislative intent, you must understand the simple language of the statute. Clear language in statutes is the best expression of intent. It is fundamental that executive agencies execute the statutes as directed. In cases where the black and white of the code is not clear, then further research is needed to identify what the intent of the Legislature was when the statute was passed. I served in over 8 regular sessions and many special sessions representing DNRC. Also, I worked with many of the interim committees in both an oversight role and in processes to establish new policies. This gives me considerable experience in understanding legislative intent and turning that into execution by the executive.

Briefly explain how you plan to administer your agency in a fair and effective manner

I progressed over my career into higher levels of management and through that progression have developed the leadership skills and understanding on how to run an agency as large as DNRC. My management style is to provide clear direction on priorities and objectives. Provide for open communications with subordinates and superiors with a goal of not creating surprises for either staff or management. There will be times where conflict over the best course to move forward is inevitable. Creating a professional atmosphere for these conflicts to be resolved is essential for the health of an organization. Once debated and discussed decisions must be made. I will expect people to support the decisions once they are made because we will have arrived at the decision through a process that fully considers differing perspectives.

Quality control and an eye on cost is important for the agency to provide effective programs and when assisting partners on specific projects. The Department's IT investments must be strategic if we are to prepare for management in the 21st Century. Often these efforts take an inter-departmental approach to be effective. As the Legislature is seeing in the area of aquatic invasive species, the Bullock Administration puts a priority on Departments working together so that we can take advantage of each other's strengths. This approach will be essential for DNRC to be effective.

CERTIFICATION – SECTION 9

I hereby certify under penalty or perjury under the laws of the State of Montana, that the foregoing statements are true, complete, and correct to the best of my knowledge.

Signature

Date

Forhannay 13, 2013

SUPPLEMENTAL INFORMATION – CRIMINAL ACTIVITY

Since (and including) your 18th birthday, have you ever been charged of committing a crime? Do not include minor traffic offenses resulting in fines less than \$100 and offenses sealed by court order

☐ Yes ☒ No

If yes, please write a detailed explanation on a separate sheet of paper and attach it to this form

Since (and including) your 18th birthday, have you ever been or are you currently on probation or parole?

☐ Yes ☒ No

If yes, please write a detailed explanation on a separate sheet of paper and attach it to this form

To the best of your knowledge have you ever been the subject of a federal or state criminal investigation?

☐ Yes ☒ No

If yes, please write a detailed explanation on a separate sheet of paper and attach it to this form

1205 Eighth Avenue
Post Office Box 202401
Helena, MT 59620-2401
TELEPHONE: 406-444-2942
FAX NUMBER: 406-444-1643
WEBSITE: www.politicalpractices.mt.gov

ORM D-1 (Revised 10/04)
BUSINESS DISCLOSURE STATEMENT

TO BE FILED BY:
STATEWIDE or STATE DISTRICT ELECTED OFFICIALS;
CANDIDATES for STATEWIDE or STATE DISTRICT OFFICES;
DEPARTMENT DIRECTORS; and INDIVIDUALS APPOINTED TO THESE OFFICES

TYPE OR PRINT IN INK ALL INFORMATION ON THIS FORM EXCEPT FOR CERTIFICATION SIGNATURE

1. NAME Tabbs John E
Last First M.I.
2. OFFICE or POSITION HELD or OFFICE SOUGHT Director, Dept. of Natural Resources & Conservation
3. EFFECTIVE DATE * 1/7/13 (*Date assumed office, was appointed, or declared candidacy)

4. E-MAIL ADDRESS (Please Print) jtabbs@mt.gov
5. COMPLETE MAILING ADDRESS 1625 11th Ave, PO Box 201601
Helena MT 59620
(City, State, Zip Code)
6. CONTACT NUMBERS (406) 449-2724 (406) 444-1948 (406) 444-2684
Home Telephone Number Work Telephone Number Facsimile Number
7. TYPE OF BUSINESS IN WHICH CURRENTLY ENGAGED OR (in the case of election or appointment to a full-time position) TYPE OF BUSINESS IN WHICH FORMERLY ENGAGED PRIOR TO ELECTION OR APPOINTMENT:
Federal Government - Dept. of the Interior

8. BENEFITS CURRENTLY RECEIVED FROM PRESENT AND PAST EMPLOYERS
List each present and past employer from which you currently receive benefits, including salary, health, retirement, etc. (Attach a list if necessary)
Name of Employer U.S. Dept. of the Interior
Employer's Address 1849 C Street NW Washington DC 20240
(City, State, Zip Code)
Type of Benefit(s) Salary, Health Ins., retirement, thrift Savings
Name of Employer MT Dept. of Natural Resources and Conservation
Employer's Address 1625 11th Ave Helena MT 59620
(City, State, Zip Code)
Type of Benefit(s) PERS, Deferred Comp

9. OTHER BUSINESS INTERESTS

List each business (corporation, partnership, or other business or professional entity or trust) in which you hold an interest that currently is valued at \$1,000 or more. (Attach a list if necessary)

- A "business interest" DOES include ownership of any security, equity, or evidence of indebtedness in any business corporation or other entity. If the security is a privately held corporation, list the name and address of the corporation. If the security is a corporation listed on a regulated stock exchange, list the name of the corporation; no address is required. If the security is held in a mutual fund, unit investment trust, or real estate investment trust, list the name of the fund or trust and NOT the individual name of the corporation; no address is required.
- A "business interest" DOES NOT include ownership of personal property not held for use or sale in a business or for investment (vehicles/household furnishings), cash surrender value of any insurance policy or annuity, bank deposits or certificates of deposit if not held for use in a business, and securities issued by any government or political subdivision.

Name of Business Ambrose and Ambrose
Helena
Address 863 Great Northern Blvd. MT 59601 Type of Business S-corp; research
(City, State, Zip Code)

Name of Business MONEY
Address _____ Type of Business Insurance
(City, State, Zip Code)

Name of Business Son Life
Address _____ Type of Business Trust/insurance
(City, State, Zip Code)

Name of Business Short term bond fund of America ASBAX
Address _____ Type of Business _____
(City, State, Zip Code)

Name of Business _____
Address _____ Type of Business _____
(City, State, Zip Code)

10. REAL PROPERTY

List all property (other than one personal residence) in which you hold an interest, if that interest currently has a fair market value of \$1,000 or more. An "interest" includes a fee, life estate, joint or common tenancy, leasehold beneficial interest (through a trust), option to purchase, or mineral or royalty interest. (Attach a list if necessary)

General Description of Property 2nd home/rental, 122 Arrowhead Drive Missoula MT

Nature of Interest Held in the Property owner

General Description of Property recreational property, Ovando MT

Nature of Interest Held in the Property 1/5 ownership

General Description of Property recreational property, Donkey WS

Nature of Interest Held in the Property 1/3 ownership

General Description of Property recreational property, U.S. Virgin Island

Nature of Interest Held in the Property 1/15 ownership

10. REAL PROPERTY, Continued

General Description of Property _____

Nature of Interest Held in the Property _____

General Description of Property _____

Nature of Interest Held in the Property _____

General Description of Property _____

Nature of Interest Held in the Property _____

11. ASSOCIATION WITH OTHER ENTITIES

List each additional entity in which you are an OFFICER or DIRECTOR; include both for-profit and not-for-profit entities. (Attach a list if necessary)

Name of Organization _____ Office Held _____

Address _____
(City, State, Zip Code)

Name of Organization _____ Office Held _____

Address _____
(City, State, Zip Code)

Name of Organization _____ Office Held _____

Address _____
(City, State, Zip Code)

Name of Organization _____ Office Held _____

Address _____
(City, State, Zip Code)

Name of Organization _____ Office Held _____

Address _____
(City, State, Zip Code)

CERTIFICATION

I hereby certify that the foregoing statements are true and correct to the best of my knowledge.

Signature

Date

FORM MAY BE REPRODUCED

Notice: You must follow up with a signed hard copy to CPP.